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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/670,708	09/27/2000	Steven M. Herson	NOBELB.032A	6875

70991 7490 12/16/2003

Knobbe Martens Olson & Bear LLP  
2040 MAIN STREET  
FOURTEENTH FLOOR  
IRVINE, CA 92614

EXAMINER  
BUNDOARNER, MOLISA H

ART UNIT PAPER NUMBER

3752

DATE MAILED: 12/16/2003

2:0

**Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)**  
(application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 0 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 0 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) system (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (703) 305-1383. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at (703) 305-8283.

**Notice of Allowability**

Application No.

09/870,708

Applicant(s)

HURSON, STEVEN M.

Examiner

Melba Bumgarner

Art Unit

3732

— The MAILING DATE of this communication appears on the cover sheet with the correspondence address—

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS. This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to IDS of October 16, 2003.
2. ☒ The allowed claim(s) is/are 1-3 and 5-22.
3. ☒ The drawings filed on 17 January 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- \* Certified copies not received: \_\_\_\_\_.
5. ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
  - (a) ☐ The translation of the foreign language provisional application has been received.
6. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No. \_\_\_\_\_.
  - (b) ☐ including changes required by the proposed drawing correction filed \_\_\_\_\_, which has been approved by the Examiner.
  - (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the margin according to 37 CFR 1.121(d).

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |  |
|--|--|
| 1 <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 2 <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 6 <input checked="" type="checkbox"/> Interview Summary (PTO-413), Paper No. <u>19</u> |
| 3 <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No. <u>17.5, 18</u> | 7 <input checked="" type="checkbox"/> Examiner's Amendment/Comment                     |
| 4 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material                     | 8 <input type="checkbox"/> Examiner's Statement of Reasons for Allowance               |
|  | 9 <input type="checkbox"/> Other   |

**EXHIBIT A**

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Art Unit: 3732

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**EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Rabinder Narula on December 10, 2003.

2. The application has been amended as follows:

Cancel Claim 4.

In claim 1: line 5, before "cylindrical" insert —non-threaded—

line 9, delete "." and insert —; wherein the implant further includes a non-

threaded post-receiving chamber that is located below the interlock chamber and above the threaded chamber, the post-receiving chamber having a depth measured from the top surface that is equal to a second distance.—

In claim 5: line 1, delete "4" and insert —1—

In claim 12: line 6, before "cylindrical" insert —non-threaded—

line 7, after "portion," insert —a non-threaded post-receiving chamber that is

located below the interlock chamber, the post-receiving chamber having a depth measured from the top surface that is equal to a second distance,—

line 8, delete "interlock" and insert —post-receiving—

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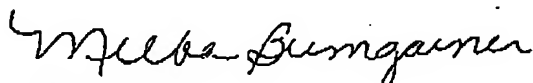
In claim 15: lines 2-4, delete "the first prosthodontic . . . a second distance,"

line 5, delete "comprising" and insert —comprises—.

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melba Bumgarner whose telephone number is 703-305-0740. The examiner can normally be reached on Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Shaver can be reached on (703) 308-2582. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0858.



Melba Bumgarner  
Patent Examiner



KEVIN SHAVER  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3 3700

**Interview Summary**

Application No.

09/670,708

Applicant(s)

HURSON, STEVEN M.

Examiner

Melba Bumgarner

Art Unit

3732

All participants (applicant, applicant's representative, PTO personnel):

(1) Melba Bumgarner.

(3) \_\_\_\_\_

(2) Rabinder Narula.

(4) \_\_\_\_\_

Date of Interview: 10 December 2003.Type: a) ☒ Telephonic b) ☐ Video Conference  
c) ☐ Personal (copy given to: 1) ☐ applicant 2) ☐ applicant's representative]Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.  
If Yes, brief description: \_\_\_\_\_Claim(s) discussed: 1,4,5,12 and 15.Identification of prior art discussed: IDS paper no 16.Agreement with respect to the claims f) ☒ was reached. g) ☐ was not reached. h) ☐ N/A.Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: We came to an agreement to make changes to the claims above to overcome the prior art of record and to clarify the interlock and post-receiving chambers of the implant, as shown on the attached examiner's amendment.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

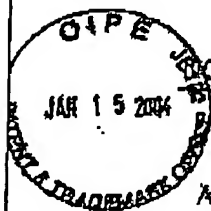
THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

**EXHIBIT A**

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

Examiner's signature, if required

U.S. Patent and Trademark Office



NOBELB.032A

Customer No. 20,935

## SUMMARY OF INTERVIEW

Applicant : Steven M. Hurson  
 Appl. No. : 09/670,708  
 Filed : September 27, 2000  
 For : IMPLANT WITH INTERNAL  
 MULTI-LOBED INTERLOCK  
 Examiner : Melba Bumgarner  
 Group Art Unit : 3732

## CERTIFICATE OF MAILING

I hereby certify that this correspondence and all  
 marked attachments are being deposited with the  
 United States Postal Service as first-class mail in  
 an envelope addressed to: Commissioner for  
 Patents, P.O. Box 1450, Alexandria, VA 22313-  
 1450, on

January 12, 2004

*Rabinder N. Narula*  
 (Date)

Rabinder N. Narula, Reg. No. 53,371

Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

## Examiner's Use ONLY

- ☐ Discrepancies found, Examiner's Amendment to follow  
☐ Record complete and accurate - Interview Record OK

Examiner's Initials: \_\_\_\_\_

Review Date: \_\_\_\_\_

Dear Sir:

Pursuant to the Interview Summary of December 10, 2003, Applicant submits this  
 Summary of Interview for recording in the official file.

The interview was conducted via phone and was attended by Rabinder N. Narula. No  
 exhibits or demonstrations were presented. Claims 1, 4, 5, 12 and 15 were discussed. During the  
 interview, the art submitted with the Request for Continued Examination was discussed. The  
 proposed amendments are reflected in the Examiner's Amendment which was attached to the  
 Notice of Allowance. The Examiner agreed that these amendments would place the case in  
 condition for allowance. In light of the allowable subject matter, Applicant agreed to enter these  
 amendments and reserved the right to pursue the unamended claims in a continuing application.

Please charge any additional fees, including any fees for additional extension of time, or  
 credit overpayment to Deposit Account No. 11-1410.

RECEIVED

JAN 21 2004

TECHNOLOGY CENTER A3700

-1-

Appl. No. : 09/670,708  
Filed : September 27, 2000

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 1-12-03

By: Rabinder N. Narula  
Rabinder N. Narula  
Registration No. 53,371  
Attorney of Record  
Customer No. 20,995  
(949) 760-0404

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